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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,755	03/30/2000	Alan David Berenbaum	Berenbaum 9-4-5-5	8283
7590	11/14/2003		EXAMINER	
RYAN, MASON & LEWIS, LLP 1300 POST ROAD, SUITE 205 FAIRFIELD, CT 06430			DONAGHUE, LARRY D	
			ART UNIT	PAPER NUMBER
			2154	9
DATE MAILED: 11/14/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

Responsive to communication(s) filed on 8/29/03.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1 - 15 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1 - 15 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

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1. Claims 1-16 are presented for examination.
2. The rejection is maintained and set forth below.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6-9, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung et al. (5,404,469).
5. Chung et al. taught a multithreaded VLIW (col. 5, lines 40-62) including a plurality of functional units (110) executing instructions grouped in packets by the compiler (col. 3, lines 8-29, col. 7, lines 20-40, col. 8, lines 32-55) and an allocator for selecting and forwarding the instructions to the functional units (col. 3, line 54 - col. 4, line 63, col. 3, lines 8-29, col. 7, lines 20-40, col. 8, lines 32-55) wherein the functional units can be allocated independently to any thread in the multithreaded instruction stream (col. 4, lines 11-63).

Chung et al. was cited by applicant on paper no. 3.

As to claims 8, 15 and 16, they fail to teach or define above or beyond claim 1, and are rejected for the reason set forth above.

As to claims 2 and 9, Chung et al. taught allocator assigns as many instructions as permitted by the availability of functional units (col. 3, lines 8-29).

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As to claim to claims 6, 7, 13 and 14, Chung et al. taught the allocator can spilt an instruction packet (col. 3, line 54 - col. 4, line 63).

6. Claims 1-5, 8-12, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Keckler et al.(5,574,939).

Keckler et al. was cited by applicant on paper no. 3.

Keckler et al. taught a multithreaded VLIW (abstract) including a plurality of functional units (250) executing instructions grouped in packets by the compiler (col. 1, lines 31-52) and an allocator for selecting and forwarding the instructions to the functional units (col. 2, lines 21-38, col. 3, line 58 - col. 4, line 8) and wherein the functional units can be allocated independently to any thread in the multithreaded instruction stream (col. 2, lines 21-37) .

As to claims 8, 15 and 16, they fail to teach or define above or beyond claim 1, and are rejected for the reason set forth above.

As to claims 2 and 9, Keckler et al. taught allocator assigns as many instructions as permitted by the availability of functional units (col. 2, lines 21-38).

As to claims 3 and 10, Keckler et al. taught storing the instruction for a later cycle (col. 9, line 56 - col. 10, line 18).

As to claims 4 and 11, Keckler et al. taught updating the instruction packets from the instruction stream of the thread (col. 9, line 56 - col. 10, line 18).

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As to claims 5 and 12, Keckler et al. taught retaining the instruction packet (col. 9, line 56 - col. 10, line 18 ).

7. Applicant's arguments filed 09/02/03 have been fully considered but they are not persuasive.

In the remarks applicant alleges that Chung et al. failed to teach the functional units can be allocated independently to any thread in the multithreaded instruction stream.

Examiner disagrees as the reference teaches this feature at col. 4, lines 11-63.

In the remarks applicant alleges that Keckler et al. failed to teach the functional units can be allocated independently to any thread in the multithreaded instruction stream.

Examiner disagrees as the reference teaches this feature at col. 2, lines 21-37.

8. A shortened statutory period for response to this action is set to expire THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C 133.

9.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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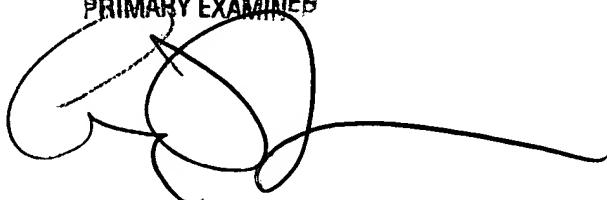
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Donaghue whose telephone number is (703) 305-9675. The examiner can normally be reached on M-F from 8:00 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An , can be reached on (703) 305-9678. The fax phone number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LARRY D. DONAGHUE  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "LARRY D. DONAGHUE", is written over the typed name. The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the "e" in "DONAGHUE".